

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
STEPHEN GILL and)	
MICHELLE GILL,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 05-CV-10309-MLW
)	
UNITED STATES OF AMERICA)	
)	
Defendant.)	
_____)	

JOINT STATEMENT

Pursuant to the Court's Notice of Scheduling Conference and Fed. R. Civ. P. 16(b) and 26(f), the parties in the above-captioned action hereby file this Joint Statement.

I. Discovery Plan - Fact Discovery

1. The parties will serve all written discovery requests by December 12, 2008.
2. Fact discovery will close June 26, 2009.

II. Discovery Plan - Expert Discovery

1. Prior to the close of fact discovery, the parties will determine whether an expert will be necessary in this litigation. If necessary, Plaintiff will disclose his expert by June 26, 2009. Defendant will disclose its expert by July 31, 2009.
2. Expert discovery will be completed by October 30, 2009.

III. Limitations on Discovery

The Defendant does not anticipate exceeding the allowable limit of ten (10) depositions as provided by Local Rule 26.1(C). Should such relief from the discovery limits

set forth in L.R. 26.1 be required, the parties will confer and will file any proposed order or motion with this Court.

IV. Proposed Schedule for Filing Motions

1. Motions for summary judgment will be served by December 11, 2009.
2. Oppositions will be served 30 days after receipt of any Motion for Summary Judgment.

V. Certifications

The Plaintiff and Defendant will each file, separately, their certifications pursuant to Local Rule 16.1.

VI. Trial by Magistrate Judge

The Defendant will consider consenting to trial by magistrate judge at this time. The Plaintiff will not consent to a magistrate judge.

VII. Settlement Proposal

The Plaintiff's settlement proposal was submitted on July 15, 2008.

VIII. Agenda of Other Matters to be Discussed

A status report was filed by Defendant on July 8, 2008. A response to that status report was filed by Plaintiff Stephen Gill on July 20, 2008. As of the filing of this joint

statement, no additional information is available.

Respectfully submitted,

Attorney for Plaintiffs,
Stephen Gill and Michelle Gill

MICHAEL J. SULLIVAN
United States Attorney

/s/ Timothy J. Morgan (RSR)¹
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Dated: July 31, 2008

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participant.

Dated: July 31, 2008

/s/ Rachael Splaine Rollins
Rachael Splaine Rollins
Assistant United States Attorney

¹ On July 31, 2008, the Defendant sent a proposed statement to Plaintiffs. That same day, the parties conferred about the contents of this Joint Statement. Counsel for the Defendant received permission from Plaintiffs to electronically sign his name to this document so that it may be filed as the parties' Joint Statement.